



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

November 16, 2007

Fred or Marty Holley  
H & H Stone  
P. O. Box 250  
Dove Creek, Colorado 81324

Subject: Denial of Verbal Release Request, H & H Stone, Little Indian Quarry, S0370117, San Juan County, Utah

Dear Messrs. Holley:

By letter dated July 6, 2007, the Division required that you submit a surety for the unfinished reclamation at the Little Indian Quarry. On August 20, 2007, we received a telephone call from your office saying the land owner would like the unreclaimed area left as it is, and this was followed by a letter from the land owner, received October 5, 2007, saying the reclamation has been done to her satisfaction.

There are two reasons the Division cannot release the site at this time:

1. Rule R647-3-109.13.11 requires that vegetation must have survived three growing seasons and that the cover must be at least 70 percent of the premining vegetative ground cover. It is possible vegetation meets the 70 percent standard, but it has not survived three growing seasons since the site was reclaimed in the fall of 2005.
2. Although the land owner may be pleased with the reclamation work, it does not meet the reclamation standards in R647-3-109 (see further discussion below). The rules do, however, allow for a variance from these standards if there is adequate justification. If you desire to seek this variance, please supply the following information about the area that was not regraded or seeded:
  - The rules as to where a variance is requested. For regrading and revegetation, the applicable rules are R647-3-109.6 and R647-3-109.13. Rule R647-3-109.6 requires that waste piles, spoil piles and fills be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation. Rule R647-3-109.13 is discussed above.



Fred or Marty Holley

Page 2 of 2

S0370117

November 16, 2007

- The variance requested and a description of the area that would be affected by the variance.
- Justification for the variance. For example, why does the land owner want the site left in its current condition? What is the postmining land use?
- Alternate methods or measure to be utilized for stabilization, public safety, and vegetation establishment.

The Division will not require a reclamation at this time but may do so if the requested information is not received by December 14, 2007, or if the remaining reclamation is not completed by this date. **The permit fee, however, is required until the site is released, and a statement for 2007-2008 is enclosed.**

If you have questions about these requirements, please call me at 801-538-5258 or Paul Baker at 801-538-5261. Thank you for your cooperation.

Sincerely,



Susan M. White  
Mining Program Coordinator  
Minerals Regulatory Program

SMW:PBB:pb

Enclosure: Fee statement

cc: John Blake, SITLA

P:\GROUPS\MINERALS\WP\M037-SanJuan\S0370117-HandH\final\deny-11132007.doc